8   Docket No. W1O-100X
                                     Serial No. 10/790,933

Remarks

Claims 1-20 are pending in this application. By this Amendment, claim 6 has been cancelled and claim 21 has been added. Claims 1-5 and 7-21 are therefore presented to the Examiner for consideration.

Claims 1, 2, 4, 5, 7, 8, 9, 10 and 13 have been rejected under 35 U.S.C. §102(b) over Smart. Smart describes a hay bale transport device that uses a chain and sprocket driver to move a bale over a rail from a position in front of the cab of the device to a position behind the cab of the device. The bale of Smart is placed on a horizontal bed of the device at the rear of the cab for transport.

The apparatus of the subject invention is a light-weight, versatile machine that allows a single operator to load, transport, stack and feed baled hay. The apparatus captures and moves a hay bale over a track from a position in front of the cab of the apparatus to a position above the cab where the bale is released to slide onto an inclined bed. Bales loaded onto the apparatus are transported and fed from the inclined bed. The bed of the subject invention cannot and need not attain a horizontal position. Bales are moved over the track by a two-way winch driver. The automated two-way winch system is less complicated, lighter in weight and safer than other drivers. The chain and sprocket driver of Smart is complicated and heavy. Other bale moving machines use hydraulics to move the bales. The hydraulic arms of these movers often pass before the doors and windows of the cab presenting a risk to the operator. Further, hydraulic arms that extend above the cab present a danger to the operator if they become entangled in power lines. Although a winch is a known driver, a two-way winch is needed for this apparatus to move the bale engaging and moving means up and down the track. The unique means by which this two-way winch is configured is described in paragraph 32 on page 6 and shown in Figure 2. The configuration of the two-way winch is likewise recited in new claim 21. Smart does not suggest or describe the versatile machine of the subject invention which has a track to carry bales that runs from the front of the cab to only above the cab where the track meets and the bales slide onto an inclined bed. Reducing the track length lightens the weight of the apparatus allowing it to move across soggy fields without causing damage. Smart further does not suggest or describe using a two-way winch to move the bales along the track. The two-way winch further lightens the apparatus and provides a safe alternative for moving bales onto the

machine. In view of the foregoing, applicants respectfully request reconsideration and withdrawal
of the rejection based on this reference.

Claims 1-4, 7 and 9 have been rejected under 35 U.S.C. §103(a) over Tetz et al. in view of
Cox et al. Tetz et al. describe a refuse loader for emptying the contents of dumpsters into a garbage
truck. Dumpsters travel over a track from a position in front of the loader to above the cab where
they are dumped into the garbage truck. Cox et al. describe a machine for retrieving and stacking
hay bales. Bales are stacked by tilting the bed of the machine to a near vertical position. The Office
Action states it would have been obvious to add a bed that tilts to a near vertical position to the
loader of Tetz et al. to obtain the apparatus of the subject invention. Tetz et al. do not describe the
two-way winch driven apparatus of the subject invention. The mover of Tetz et al. is driven by
complicated gears and chains. Further, the track of Tetz et al. is not a true arc but ends in a
substantially vertical section to allow the dumpsters to invert and empty. The track of the apparatus
of the subject invention is a true arc to allow moving bales supported by the track to slide off the
track and onto the inclined bed. The addition of a tiltable bed to the loader of Tetz et al. would not
produce the apparatus of the subject invention. Bales would not slide onto the bed but drop flatly
onto the bed and refuse to move. The cited references, alone or in combination, do not suggest or
describe the apparatus of the subject invention. Reconsideration and withdrawal of the rejection
based on these references is therefore respectfully requested.

Claims 1, 2, 4, 7 and 9 have been rejected under 35 U.S.C. §103(a) over De Filippi in view
of Cox et al. De Filippi describes a refuse loader for emptying the contents of dumpsters into a
garbage truck. The Office Action states it would have been obvious to put the tiltable bed of the
apparatus of Cox et al. on the loader of De Filippi to get the apparatus of the subject invention. De
Filippi is a heavy, hydraulic driven loader whose arms can easily become entangled in power lines.
Further, if provided with a tiltable bed, the loader of De Filippi would not perform like the apparatus
of the subject invention. The track of the loader of De Filippi is inclined over the top of the cab to
its end. Bales moving along this track would slide back down the track to the front of the cab when
released. De Filippi when viewed in combination with Cox et al. do not suggest the apparatus of the

10　　　　　　　　　Docket No. WIO-100X
　　　　　　　　　　Serial No. 10/790,933

subject invention. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 6 has been rejected under 35 U.S.C. §103(a) over Smart in view of Craft. Craft describes a handler for moving large round bales of hay. The device of Craft uses a simple winch to pull and secure the round bale to the handler. The apparatus of the subject invention like Craft, and unlike Smart, can handle large round bales. The subject apparatus however uses a two-way winch system to move a bale along a track. The simple, hand cranked winch of Craft does not suggest the automated two-way winch system used on the apparatus of the subject invention. The disclosure of a winch by Craft when viewed in combination with Smart does not suggest the versatile, safe hay handling system of the subject invention. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claim 11 has been rejected under 35 U.S.C. §103(a) over Smart in view of Tilley. Tilley describes a bale loader that has a shift mechanism that moves loaded bales along the bed. Smart does not suggest or describe the apparatus of the subject invention. Likewise, Smart when viewed in combination with Tilley does not suggest the subject apparatus. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

Claims 14 and 15 have been rejected under 35 U.S.C. §103(a) over Smart in view of Maclay. Claim 14 explains that bales loaded onto the inclined bed of the subject apparatus can be secured to the bed by grapples which lay below the surface of the bed when not in use. Claim 15 states the subject apparatus can have a feeding means to disperse portions of bales to the ground. Smart does not suggest or describe the apparatus of the subject invention. Maclay when viewed in combination with Smart does not cure this defect. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

Applicants appreciate the indication that claims 12, 16 and 17 would be allowable if rewritten. The subject claims have been amended as suggested. Further, applicants acknowledge that claims 18-20 are allowable.

11   Docket No. WIO-100X
                            Serial No. 10/790,933

In view of the foregoing remarks, the applicants believe that the claims are now in condition for allowance and such action is respectfully requested.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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